IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 17803 of 2007(T)

PETITIONER:

K.C.SHIBUKUMAR, S/O.CHELLAPPAN,
KUNNIL HOUSE, THALAVADI P.O., ALAPPUZHA.

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:
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1. **THE DISTRICT COLLECTOR,**
   COLLECTORATE, PATHANAMTHITTA.

2. **THE REVENUE DIVISIONAL OFFICER,**
   OFFICE OF THE REVENUE DIVISIONAL OFFICER,
   THIRUVALLA.

3. **THE SUB INSPECTOR OF POLICE,**
   THIRUVALLA POLICE STATION, THIRUVALLA.

BY GOVERNMENT PLEADER SRI. M.R. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.17803/2007 T

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE CERTIFICATE OF REGISTRATION IN RESPECT OF THE ABOVE VEHICLE BEARING REGISTRATION NO. KL-04/W-1926.**

EXT.P2: **COPY OF THE GOODS CARRIAGE PERMIT IN RESPECT OF THE ABOVE VEHICLE BEARING REGISTRATION NO. KL-04/W-1926.**

EXT.P3: **COPY OF THE REPORT DTD. 29/05/2007 SUBMITTED BY RESPONDENT NO.3 IN RESPECT OF THE VEHICLE BELONGING TO THE PETITIONER.**

EXT.P4: **COPY OF THE COMMUNICATION ISSUED BY THE GEOLOGIST, KOTTAYAM TO THE CIRLCE INSPECTOR OF POLICE, CHANGANASSERY.**

EXT.P5: **COPY OF THE REPRESENTATION DTD. 31/05/2007 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT NO.1 AND 2.**

/TRUE COPY/

P.A.TO JUDGE

KSS

ANTONY DOMINIC, J.

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W.P.(C) NO.17803 OF 2007 T

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Dated this the 28th day of November, 2007

J U D G M E N T

The petitioner contends that when his lorry was transporting red earth, without any authority, the same was seized by the respondents. Thereafter, the lorry was released on furnishing security of Rs.5,000/- and in these circumstances, the petitioner has approached this court.

2. Today on instructions, learned Government Pleader admits that what was transported was only red earth and that the provisions of the Kerala Minor Minerals Concession Rules 1967 is inapplicable. If that be so, the very seizure of the vehicle has to be held illegal. There was no necessity for furnishing security as well.

3. Now that the vehicle is already released, I direct that security furnished by the petitioner shall be released to the petitioner on production of a copy of this judgment.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

Rp